

MAR 29 2013

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Defendant(s)

Case No. *M-13-0516-M-02*

On or about the date(s) of 1/1/2011 in the county of Hidalgo in the Southern District of Texas, the defendant(s) violated:

Offense Description

Knowingly and intentionally conspired to aid and abet the possession with the intent to distribute of more than 1,000 kilograms of marijuana, a schedule I controlled substance under the controlled substance act.

See Attachment:

☒ Continued on the attached sheet.

Date: March 28, 2013

City and state: McAllen, Texas

1 Father

Complainant's signature

DEA Special Agent Lyle Fattig

Printed name and title

Per & Company

Judge's signature

Judge's signature
U.S. Magistrate Judge
Printed name and title
Peter E. Orsby

Printed name and title

ATTACHMENT

During the beginning of 2011 Jorge GARZA, a Hidalgo County Deputy, conspired and agreed with James Phil FLORES and Fernando GUERRA Sr. to aid and abet the possession with the intent to distribute of more than 1,000 kilograms of marijuana.

During this time, GUERRA Sr. would make arrangements with other drug traffickers for GUERRA Sr. to transport or purchase large amounts of marijuana. Once the marijuana had been turned over to GUERRA Sr., GUERRA Sr. would utilize FLORES and GARZA, both who were Hidalgo County Sheriff's Deputies, to perform traffic stops on the vehicles believed to be containing the marijuana. GUERRA Sr. would arrange for the source of supply to witness the traffic stop in an effort to make the source of supply believe the narcotics had been seized by law enforcement, therefore relieving GUERRA Sr. of any responsibility for the marijuana. After the ruse had been completed, GUERRA Sr. would subsequently re-distribute the marijuana to other narcotics traffickers. According to a Confidential Source (CS), FLORES and GARZA performed these fraudulent traffic stops for GUERRA Sr. on approximately twenty different occasions. In exchange for FLORES and GARZA's assistance, GUERRA Sr. would pay FLORES and GARZA a total of approximately \$10,000.00. Furthermore, the CS advised agents that the amount of narcotics stolen and re-distributed during each event varied but was typically about 250 kilograms of marijuana.

Additionally, GUERRA Sr. utilized and paid GARZA on several occasions to protect narcotics which GUERRA Sr. had stolen. According to a Source of Information, at GUERRA Sr.'s request, GARZA would be present at a stash location during the nighttime hours to protect the stolen narcotics.